

**NOTE:**

The allegations and decision in this case fall under old rules. It has been classified under the most relevant of the current code sections and subsections.

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

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In The Matter of	)	
	)	Case No. 04-29 {
Tim Fienup	)	
Folder No. 210447/800860	)	<b>ORDER</b>
	)	
Respondent.	)	

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This matter came before the Board of Educational Examiners on October 5, 2006 upon the Respondent's submission of evidence of compliance with the conditions imposed within the Board's August 7, 2006 order.

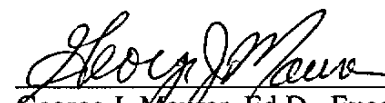
By Order issued August 7, 2006, the Board reprimanded the Respondent and imposed a sanction of a letter of reprimand which will be placed in Respondent's permanent licensure file. In order to obtain reinstatement, Respondent must complete prior to December 31, 2006, 30 contact hours or 3 credit hour course of training or education addressing sexual harassment awareness and sensitivity and professional ethics for educators.

The Respondent has complied with the conditions imposed by the Board. On October 5, 2006, counsel for the Board received a report indicating that he Respondent had completed the course, "Ethics in Education" offered by University of Phoenix.

**ORDER**

**THEREFORE**, as of the date of this Order, the Respondent has complied with the sanctions imposed by the August 7, 2006, Order of the Board.

Dated this 30th day of October, 2006.

  
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George J. Maurer, Ed.D., Executive Director  
On behalf of the Board

# ORIGINAL

## BEFORE THE BOARD OF EDUCATIONAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF

**TIM FIENUP,**  
(Licenses no. 210447/800860)

RESPONDENT.

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BoEE Case No. 04-29 ☒  
DIA No. 06BEE004

**Stipulation and Order**

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) (2005) and 282 IAC 11.4(6), and with full knowledge of his right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes to the jurisdiction of the Board for all issues relevant hereto, and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

### STIPULATIONS

1. The Respondent holds a standard teaching license issued by the Board with endorsements to serve as an elementary classroom teacher and athletic coach at the K-9 level. He has been employed by the Marshalltown Community School District for more than twenty years and is currently serving as a U.S. History teacher at the 8<sup>th</sup> grade level.
2. On December 10, 2004, a Complaint was filed with the Board by Doug and Jennifer Taft, alleging that the Respondent violated several of the criteria for professional practices governing licensed teachers in Iowa.
3. The Complaint was investigated and the Board found probable cause to determine that during the Spring and Fall of 2004, the Respondent made comments to a female student which she found objectionable, and on more than one occasion touched the student in a manner which she found uncomfortable.
4. A disciplinary hearing regarding potential violation of Board rule 282 IAC 25.3(6)(c) was scheduled for March 31, 2006.
5. The Respondent and his attorney have had an opportunity to review all of the information compiled by the Board during the course of investigating this matter.

6. The Respondent maintains that he did not intend to harass or intimidate the student in any way. He acknowledges, however, that his conduct could have been misunderstood and admits that he made an error in judgment in failing to recognize the student's discomfort with his attention. Without further admitting the truth of the allegation of the complaint, the Respondent is willing to accept a sanction for his conduct.
7. A public written reprimand for violation of Board rule 282 IAC 25.3(6)(c) will be issued by the Board and included as part of his permanent licensure file. The Respondent is on notice that future misconduct of a similar nature may result in the imposition of a more serious sanction by the Board
8. Prior to December 31, 2006, the Respondent shall 30 contact hours or a 3 credit hour course of training or education addressing sexual harassment awareness and sensitivity and professional ethics for educators. The Respondent shall notify Board staff of the specific training he proposes to take and staff will review the course description and approve the course or assist the Respondent in locating an appropriate course. The training or education shall be obtained on Respondent's own time and at his expense and shall be in addition to any other continuing education required for purposes of renewal of his teaching license.

#### LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

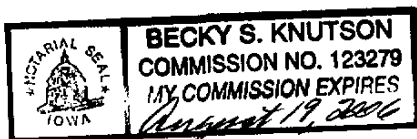
I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so may result in further sanction by the Board.

I understand that the Notice of Hearing and Stipulation and Order are public records which will become part of my permanent licensure file and will be available for public inspection and reproduction.

Date July 1<sup>st</sup>, 2006

Timothy J. Fienup  
Timothy J. Fienup, Respondent

Subscribed and sworn before me this 11<sup>th</sup> day of July, 2006.



Becky S. Knutson  
Notary Public State of Iowa  
Notary seal:

**ORDER**

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS  
that:

- 1) Timonty J. Fienup is **REPRIMANDED** for unprofessional conduct in violation of Board rule 282 IAC 25.3(6)(c);
- 2) Prior to December 31, 2006, Mr. Fienup shall complete the requirements of paragraph 8, above.

Dated this 7<sup>th</sup> day of August, 2006.

  
George J. Maurer, Ed.D., Executive Director  
on behalf of the Iowa Board of Educational Examiners

Copies to:

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